

THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 31st day of July, 2007

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W.P.No.23833 of 1999

Between:-

S.S.P. Sharma

... Petitioner

and

The Chairman, Industrial Tribunal II,
Chandravihar Bhavan,
M.J.Road, Hyderabad,
and another

... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.23833 of 1999

ORAL ORDER:

This Writ Petition is filed challenging the Award dated 18-6-1999 made in I.D.No.11 of 1997 on the file of Industrial Tribunal-II, Hyderabad.

Petitioner is the workman and the 2nd respondent is the Management.

Petitioner, who was working as a Cashier in the respondent-company, was dismissed from service, after conducting a detailed enquiry into the charges levelled against him. Aggrieved by the same, he raised a dispute under Section 2-A(2) of the Industrial Disputes Act,1947 (for short 'the Act'). However, the Tribunal found that the domestic enquiry conducted by the Management was not valid and, therefore, directed both the parties to lead evidence. After leading evidence and after hearing the arguments of the learned counsel on either side, Labour Court found that the charges are proved and, therefore, the petitioner is not entitled for any relief and thus dismissed the claim petition. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner strenuously contended that except enumerating the exhibits marked before it, the Tribunal has not discussed what exactly is the implication of each document and the evidence made available before it.

There is no necessity of going into all the details. On a perusal

of the Award passed by the Tribunal, it is clear that the Tribunal, against all the three points formulated, gave a finding saying that the charges were proved in view of Exs.M77 and M78 and the oral evidence adduced on behalf of the Management; but what exactly are the contents of the documents and how the charges framed against the petitioner were proved are not available. Thus, I am of the opinion that the Tribunal has not furnished cogent reasons to come to the conclusion that the charges framed against the petitioner were proved.

Under the above circumstances, the impugned Award is liable to be set aside and is set aside. The matter is remanded to Industrial Tribunal-II, Hyderabad for fresh consideration of the entire evidence already available and for passing appropriate Orders, as per law, after hearing the learned counsel on either side, by furnishing reasons against each of the points formulated in the I.D.

Accordingly, the Writ Petition is allowed and the matter is remanded to Industrial Tribunal-II, Hyderabad, as stated above. No order as to costs.

31-7-2007

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